

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

JOHN JEDNEAK,

Plaintiff,

v.

Case No: 6:21-cv-350-RBD-DCI

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

REPORT AND RECOMMENDATION

This cause comes before the Court for consideration without oral argument on the following motion:

**MOTION: UNOPPOSED MOTION FOR ENTRY OF JUDGMENT
WITH REVERSAL AND REMAND (Doc. 40)**

FILED: September 1, 2021

THEREON it is RECOMMENDED that the motion be GRANTED.

On September 9, 2021, the Commissioner of Social Security filed a motion for entry of judgment with remand (the Motion). Doc. 40. In the Motion, the Commissioner requests that the Court “enter a judgment, with a remand of the cause to the Commissioner for further action, under sentence four of 42 U.S.C. § 405(g) for the following reasons”:

On remand, the agency will further evaluate Plaintiff’s claims, including the issue of medical improvement, and issue a new decision.

Id. at 1. In light of the foregoing, the Commissioner requests that her decision be reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g) so that an ALJ may perform the tasks

detailed above. *Id.* at 1-2. The Motion is unopposed. *Id.* at 1. The undersigned finds the Motion well-taken.

Accordingly, it is **RECOMMENDED** that:

1. The Motion (Doc. 40) be **GRANTED**;
2. The pending Motion to Dismiss (Doc. 14) be **DENIED as moot**;¹
3. The final decision of the Commissioner be **REVERSED** and **REMANDED** to the Commissioner pursuant to sentence four of § 405(g) for the above stated reasons; and
4. The Clerk be directed to enter judgment in favor of Plaintiff and to close the case.

NOTICE TO PARTIES

A party has fourteen days from this date to file written objections to the Report and Recommendation's factual findings and legal conclusions. A party's failure to file written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. *See* 11th Cir. R. 3-1. **The parties may file a notice of no objection in they have no objection to this Report and Recommendation.**

Recommended in Orlando, Florida on September 15, 2021.



DANIEL C. IRICK
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Presiding District Judge
Counsel of Record
Unrepresented Party
Courtroom Deputy

¹ This was discussed with the parties at a hearing held on September 15, 2021, and the parties agreed the motion to dismiss is moot upon remand.